



DEMOCRACY AND ELECTIONS

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1. Abstract:

Today, democracies are considered to be the one of the most preferred forms of the government in the world. Democratic countries allow active participation and representation of people in the decision making and policy formation. And generally, elections are most preferred process for attaining and maintaining the democracy.

The presented text is an attempt to understand the democracy and its development with regard to elections conducted generally for the sustenance of such democracies in the world.

The typology presented allows to study the fact whether elections always result into democracy or it can also lead to any other form government like that of dictatorship by the representative thereby elected by the citizens of the country. And also is there any other way to attain and sustain democracy other than that of conducting elections. The following research paper discusses such other way apart from elections i.e. "Sortition" which can thus be chosen as an alternate process for choosing the representative in a democratic form of government in any country, which allows the common people to be easily chosen as the leader in the state and the democracy and that the politics does not remain confined to a particular class of people i.e. politicians as we call them.

2. Introduction:

India's general election is the biggest democratic exercise in the world. The nation itself being the world's largest democracy.

Reviewing the research relating to the essence of elections in any democratic regime one can propound an idea that as the whole world has inclined towards the system called democracy and its election processes as there is yet to know what goes behind the iron veil of the so-called "free and fair elections". The paper also emphasizes on the view that the web of the unfairness and corruption being spread in the general elections the prevailing democratic, particularly in country like India, where elections and party politics plays a major role in the daily routine of the citizens.

As the paper discusses an alternative to deal with such discrepancies of the election that leads to unsustainability in the democracy.

"Sortition" is the answer to all the concerned doubts of the prevailing election process. Sortition- the process of random selection of the lot, has been elaborated below. This alternate process suggests the idea of randomly selecting people to the assembly in that would wipe out the major drawbacks of election process. Random selection is the appropriate method for distributing public office when all citizens have equal claims to that office and there is not enough to go around.

"The laws of democracy remain a dead letter, its freedom is anarchy, its equality the equality of unequals"

-Plato

3. What is democracy?

"Rule of people" as democracy is literally known to be. The term democracy has been derived from the greek *dēmokratiā* which was coined by *demos* (people) and *kratos* (rule). To denote the prevailing political system in some Greek city-states, particularly



Athens, the democracy was introduced during the 15th century BCE.

The concept of such Democratic state in the modern world era evolved in Britain and France and gradually spread to the other nations.

The major reason of the fast pace development of democracy was the dissatisfaction with the increase in corruption, incompetence, abuse of power and lack of transparency and accountability of the existing polity, which was an absolute monarchy whose legitimacy was based on the doctrine of the Divine Rights of the Kings.

We can think of democracy as a system of government with four key elements:

1. A political system for selecting and electing the government through free and fair elections.
2. The active participation of the people, as citizens, in politics and civic life.
3. Protection of the human rights of all citizens.
4. A rule of law, in which the laws and procedures apply equally to all citizens.¹

I. Democracy as a Political System of Competition for Power

Democracy is a means for the people to elect their representatives as their leaders and to hold them leaders accountable for laws and policies framed by these elected representatives as an integral part of the government. Elections are thereby conducted by an independent body and further citizens vote for their respective leaders and elect them as their representative of at the national and local levels.

Government is based on the consent of the governed, in a democracy, the people are

sovereign—they are the highest in the hierarchy of political authority. Power flows from citizens to the elected representatives of government, who hold power temporarily for a fixed term.

The people of the state hold the authority to be a critique to their representatives and the laws and policy formed by the respective, and to observe how they conduct the functioning of government. Those elected representatives at the national and local levels are bound to hear the cries of the people and respond to their needs and suggestions. Elections must be conducted at regular intervals as suggested by the Independent body that conducts the elections at the different levels of the government.

Any country can hold an election, but for an election to be free and fair requires a lot of organization, preparation, and training of political parties, electoral officials, and civil society organizations who monitor the process.

II. Participation: The Role of the Citizen in a Democracy

The key role of citizens in a democracy is to participate in civic life. Citizens have a responsibility of being aware of the public issues, to understand how their political leaders and elected representatives exercise their powers, and to express their own opinions and interests. Voting is another important civic duty of all citizens. But to vote wisely, every citizen must know about the agendas and propagandas of the different political parties and the potential candidates. Participation can also involve campaigning for a political party or candidate, standing as a candidate for political office, debating

¹ Stanford University



public issues, attending community meetings, petitioning the government, and even protesting. A vital form of participation comes through active participation in independent, non-governmental organizations, what we call “civil society.”

These organizations represent a variety of interests and beliefs: farmers, workers, doctors, teachers, business owners, religious believers, women, students, human rights activists. It is important that women actively participates in politics and in civil society as well. This requires an effort by the organizations of society to educate women about their democratic rights and responsibilities, improve their political skills, represent their common interests, and involve them in political aspects of the policy making. Political parties are vital organizations in a democracy, and democracy is stronger when citizens become active members of these political parties.

In a democracy, citizens are free to choose which party to support. But participation must be peaceful, respectful of the law, and tolerant of the different views of other groups and individuals.

III. The Rights of Citizens in a Democracy

In a democratic country, every citizen has certain rights available to them and that cannot be infringed by anyone, not even by the state. These rights are guaranteed under international law. You have the right to have your own beliefs, and to say and write what you think. No one can tell you what you must think, believe, and say or not say. There is right to freedom of religion. Everyone is free to choose their own religion and to worship and practice their religion.

Every individual has the right to enjoy their own culture, along with other members of

their group, even if their group is a minority. There is freedom and pluralism in the mass media.

You can choose between different sources of news and opinion to read in the newspapers, to hear on the radio, and to watch on television. You have the right to associate with other people, and to form and join organizations of your own choice, including trade unions. You are free to move and settle in any part within the territory or outside the territory. You have the right to assemble freely, and to protest against the government actions.

However, certain restrictions are there as everyone has an obligation to exercise these rights peacefully, with respect for the law and for the rights of others.

IV. The Rule of Law

Democracy is a system of rule by laws, and not by individuals. In a democracy, the rule of law protects the rights of citizens, maintains order, and limits the power of government. All citizens are equal under the eyes of law. No one may be discriminated against on the basis of their race, religion, ethnic group, or gender. No one may be arrested, imprisoned, or exiled arbitrarily. If anyone is detained, you have the right to know the charges against you, and to be presumed innocent until proven guilty according to the law. Also anyone charged with a crime, has the right to a fair, speedy, and public trial by an impartial and competent court. No one may be taxed or prosecuted except by a law established in advance.

No one is above the law, not even a king or an elected president. The law is fairly, impartially, and consistently enforced, by courts that are independent of the other



branches of government. The rule of law places limits on the powers of government. No government official may violate these limits and no ruler, minister, or political party can tell a judge how to decide a case.

Office holders cannot use their power to enrich themselves. Independent courts and commissions punish corruption, no matter who is guilty.

4. The Limits and Requirements for Democracy

“Democracy is being allowed to vote for the candidate you dislike the least”

-Robert Byrne

In the past, philosophers from Plato and Aristotle to Thomas Aquinas and Hobbes have considered democracy to be among the worst forms of government because it could easily be corrupted and result in injustice. The chief danger is that a majority can impose its will upon a minority in a way that violates their liberties. Thus during the twentieth century, besides liberal democracies, there were also dictatorships such as Hitler who came to power through the democratic process and totalitarian democracies like the Soviet Union, where the populace gave strong support to the regime at various times.

If a democracy is to work, citizens must not only participate and exercise their rights, they must also observe certain principles and rules of democratic conduct. People must respect the law and reject violence. Nothing ever justifies using violence against your political opponents, just on the grounds of conflicts of interests. Every citizen must respect the rights of his or her fellow citizens, and their dignity as a human being.

No one should denounce a political opponent as evil and illegitimate, just because they have different views. People should question the decisions of the government, but not reject the government's authority. Every group has the right to practice its culture and to have some control over its own affairs, but each group should accept that it is a part of a democratic state. Everyone has a right to be heard. Don't be so convinced of the rightness of your views that you refuse to see any merit in another position. Consider different interests and points of view.

When you make demands, you should understand that in a democracy, it is impossible for everyone to achieve everything they want. Democracy requires compromise. Groups with different interests and opinions must be willing to sit down with one another and negotiate.

If one group is always excluded and fails to be heard, it may turn against democracy in anger and frustration. Everyone who is willing to participate peacefully and respect the rights of others should have some say in the way the country is government.

5. Problems with democracy

In the twenty-first century a number of problems with democracy have emerged.

The eclipse of limited government. The aim of constitutional democracy was to limit government. The separation of powers was developed to prevent the arbitrary exercise of power, along with the rule of law, due process, and the distinction between public and private law. However, with the appearance of a universal franchise, it has seemed unnecessary to limit government. It is commonly asserted that if a government is elected by the majority of the people, it should have the right to pass any measure and



enact any policy. Limiting the power of a legitimately elected government has come to appear undemocratic, thwarting of the will of the people, which is one of the problems originally identified by Socrates.

The rising influence of special interest groups. Modern elected governments often do not serve the agreed opinion of the majority, but instead serve numerous special interest groups who lobby for special treatment from the government. Such a relatively small group greatly benefits from legislation passed in its favor, whereas the impact on the rest of the population is so small that it may not seem worthwhile to oppose it (or, the general population may simply be unaware of detrimental provisions in bills offered by special interest groups). Thus there is an increasing prevalence of bargaining democracy as opposed to representative democracy. Coalitions are formed of a multitude of special interests, each of which consents to the special benefits granted to other groups only at the price of their own special interests being equally considered. Group selfishness is thus a greater threat to democracy than individual selfishness. In many respects, Western democracy has come to be manipulated by lobbyists, or group interests, while the wishes of the majority are ignored. Worse, policies the majority would actively disapprove of, which further the interests only of elite minorities, are the ones enacted.

Government above the law. Although constitutionalists sought to limit government by the separation of powers, they did not separate the functions sufficiently. Thus, legislatures pass not only laws but are concerned with the business of government. They often pass legislation only suited to

achieve the purposes of the moment. In a sense, they change the rules of the game so as to never lose. Thus there is no longer government under the law, since the government makes the law, often excluding itself and its representatives from that law. Placing the power of legislation proper and of governmental measures in the same hands has effectively brought a return to unlimited government. In this sense, the danger is that government exists for the maintenance of the ruling elite, regardless of party and country. Moreover, as with the U.S. Supreme Court, there is the problem of the judiciary evolving into a de facto legislative organ beyond which there is no appeal, by overturning laws approved by the legislative and executive branches.

Excessive partisanship and the politics of envy. In the past, when the political culture was still essentially Christian-based, politicians tended to behave in a relatively responsible way. With the decline of the Christian political culture and the rise of the politics of envy, the system is open to great abuse. Politicians promise to deal with social and economic problems, unaware that government cannot solve them and indeed is often the cause. They are tempted to bribe the electorate, pandering to their baser instincts, and sometimes to misplaced idealism, in order to be elected to solve such problems. The disconnect between campaign promises and actual policies enacted once elected is often wide.

6. What are elections?

“Elections belong to people”

Abraham Lincoln

Election is a democratic process where citizens over 18 years or above have the Right



To Vote and elect candidates to represent them and their interests locally, nationally or internationally which is the concept of *UNIVERSAL ADULT SUFFRAGE*. The process is determined by a voting system, where citizens vote for one candidate of their choice. The candidate with the majority of votes is elected. Anyone who is enrolled on the Electoral Register is able to vote. 1) Elections make a fundamental contribution to democratic governance. Because direct democracy—a form of government in which political decisions are made directly by the entire body of qualified citizens—is impractical in most modern societies, democratic government must be conducted through representatives. Elections enable voters to select leaders and to hold them accountable for their performance in office. Accountability can be undermined when elected leaders do not care whether they are re-elected or when for historical or other reasons, one party or coalition is so dominant that there is effectively no choice for voters among alternative candidates, parties, or policies. Nevertheless, the possibility of controlling leaders by requiring them to submit to regular and periodic elections helps to solve the problem of succession in leadership and thus contributes to the continuation of democracy. 2) Elections serve as forums for the discussion of public issues and facilitate the expression of public opinion. Elections thus provide political education for citizens and ensure the responsiveness of democratic governments to the will of the people. They also serve to legitimize the acts of those who wield power, a function that is performed to some extent even by elections that are non-competitive. Elections serve a self-actualizing purpose by

confirming the worth and dignity of individual citizens as human beings. Whatever other needs voters may have, participation in an election serves to reinforce their self-esteem and self-respect. Voting gives people an opportunity to have their say and, through expressing partisanship, to satisfy their need to feel a sense of belonging. Even non-voting satisfies the need of some people to express their alienation from the political community.

“Voting is not only our right- it is our power”

—
Loung Ung

“We do not have government by the majority. We have government by the majority who participate”

— *Thomas Jefferson*

7. Elections in India

Elections are the essence of Indian democracy. They are bedrock of the Indian democracy. The mammoth Indian elections are conducted at various levels and in various phases under a multi-pronged strategy and includes elections to the Lok Sabha, the Council of States, the State Legislative Assemblies and the Panchayati Raj institutions.² The first Lok Sabha elections were conducted in 1952. India’s six-week-long elections will cover the Himalayan range in the north, the Indian Ocean in the south, the Thar Desert in the west and the mangroves of the Sundarbans in the east. Presently general elections 2019 are being held in 7 phases for 543(out of 545) seats to constitute 17th Lok Sabha. This time the polling exercise, due to start on April 11 and to be completed by May 19, will cost an unprecedented Rs 50,000 crores (\$7 billion),

² Electoral Reforms in India- Saurabh Sinha



according to the New Delhi-based Centre for Media Studies.³

8. The importance of elections in India for that matter, in any democracy are as follows:

Choice of leadership: Elections provide a way for the citizens of India to choose their leaders. They do so by casting their vote in favour of the candidate or party whose views appeal to them. This ensures that the will of the people is reflected in the elected candidates.

Change of leadership: Elections in India are also a platform for the public to voice their resentment against a ruling party. By voting for other parties and helping elect a different government, citizens demonstrate that they possess ultimate authority.

Political participation: Elections open the door for new issues to be raised in public. If a citizen of India wishes to introduce reforms that are not the agenda of any of the parties, he or she is free to contest the election either independently or by forming a new political party.

Self-corrective system: Because elections are a regular exercise, occurring every five years in India, the ruling parties are kept in check and made to consider the demands of the public. This works as a self-corrective system whereby political parties review their performance and try to appease the voters.

With a population of over 1.2 billion (according to the 2011 census) spread across 28 states and 7 union territories, India has a system of elections that is both daunting and praiseworthy.

9. Problems with election in India

The major problems that the elections face in India are the following:

- Conflict of interests between party due to multi-party system
- Vast diversity in the population gives rise to caste politics
- Criminalization of politics has become a major concern in the present day government
- Politics becomes hierarchical in certain families which sometimes brings inefficient leaders to the front. Such political parties become one family dominated.
- Dominance of money power and Muscle power
- Financing of election exceeding the legal limit
- Booth capturing
- Intimidation of voters
- Buying Voters
- Tampered electoral rolls
- Large-scale rigging of elections
- Abuse of religion and caste in the enlistment of voters, etc

10. Correlation between democracy and elections

The election is a part of the political process in the democracy and for every political

³ Why India's election is among the world's most expensive- Archana Chaudhary and Jeanette Rodrigues



system also employs the election as a symbol of the democracy. The election is a part of the political process in the democracy that several people study when they are young or perceive it from the various media for a long time such that if there is no election, there is no democracy. So, this is an important symbol showing the picture of the liberal democracy at its best. The definition of "Democracy is the Election" which creates the meaning indifferent for all political system and indicates that the election is unavoidable process since if there is no election, that political regime will be the dictatorship. Thus, it is not surprising that if the citizen will pay attention on this point of view.⁴

11. If not elections then what?

The biggest question any democracy would face is that, if there are no elections in a democracy then what would be the alternative. Presently the most talked about alternative is 'Sortition'. It is the use of random selection to populate assemblies or fill political positions. An assembly that uses sortition would be composed of people just like you and me: and it would be a representative random sample of people, making decisions in an informed, fair and deliberative setting. Sortition has a long history, going back at least to Ancient Athens, where selection by lot (from among all free, male citizens) was the principal way courts and councils were filled. For hundreds of years it was considered a fundamental aspect of democracy; it wasn't until long after the French and American revolutions, as universal suffrage slowly became

widespread, that the term "democracy" was re-christened to mean electoral democracy.⁵

The example of sortition from America Speaks (now defunct) and uses networked, facilitated small table deliberation to make decisions. Each table discusses proposals, with a facilitator making sure no one dominates and everyone gets his or her say, and a note-taker typing comments and decisions into a computer. A "theme team" can see what every table is discussing and summarizes the output, which is then presented to the entire assembly, who have individual voting keypads to priorities results. In this way the assembly can come to large group decisions.

Stratified random sampling ensures that participants accurately reflect the community they are drawn from, unlike open meetings where often only socially privileged or more vocal people attend and dominate discussions. Stratified random sampling ensures that half the participants are women and half men, with proportional representation for the young and old, and across all geographical areas and educational levels.

Sortition would lessen the manipulations in then legislative assembly. For an instance, imagine choosing a legislature by sortation (random selectin) of people in the society or of everybody who has volunteered. For example, anyone might be added to the lot of volunteers by saying, "If I'm chosen I would love to serve". Or we could set minimum or certain qualification requirements to be a part of the volunteers' pool. Of course each person is part of a pool which has, say, 4 million other people in it. And let's say we

⁴ The Relationship between the Election and the Democracy-Dr.Chanchai Chitlaoarporn

⁵ Sortition Foundation



choose 400 of them to be in our legislature for a year. If we set it up right, the chances of somebody being able to manipulate that legislature are really small.

If this assembly formed a legislative parliament, then every 6 months or year a part of the assembly (say, one quarter) would be replaced with people randomly selected from the electoral roll, ensuring the assembly remained representative of the general populace. These representatives would be paid as politicians are paid now, and would serve one single term in office of two-four years.

12. Conclusion:

Post 1945 i.e. World War II, the democratic regimes in the world grew again. And the very dramatic shift towards a democratic world led to the breakdown of the Soviet Union in 1989.

In the modern world democracy has become the most adapted form of the government set up, and so is the process of conducting elections in these democracies. But due to major drawbacks in the elections process which leads to causing a threat to the sustainability of the democratic regime, has led to the emergence of Sortition in the modern world. The most competent fact about this new emerging process of random selection i.e. Sortition is that nobody is in charge of who gets picked. And if the selection is done correctly it gets in the way of anybody trying to manipulate the political system. So, if the selection is done in its true essence nobody would know what is going to happen or what is going to show up as a result

of the process of Sortition, which would thereby steer to fall in the drawbacks that the general election process faces.

Any system be it democracy or any other form of government, if filled with high degree of corruption, sortition offers a very powerful lever to shift it.⁶ Random selection is the appropriate method for distributing public office when all citizens have equal claims to that office and there is not enough to go around. Universal distribution is more appropriate when all claimants have equal claims to the office and there is enough to go around (as with universal suffrage, for example). Election (or possibly other procedures, such as appointment) makes sense when citizens do not enjoy equal claims to the office and that office is in scarce supply. This approach captures a crucial component of democratic equality. Different understandings of democratic equality lay behind sortition and election. Each might be appropriate under different circumstances, but both place rights-based constraints on the design of a democratic political system.

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