

# Remarking An Analisation Democracy and Human Rights

## Abstract

These rights are mutually reinforcing with progress in one typically linked with advances in others. Openness of the media, for example, is usually correlated with the development of civil society institutions.

Democracy is not homogeneous. From the several forms of democracy, countries choose different institutional depending on their circumstances and needs. For simplicity, it helps to distinguish two broad categories of democracies-majoritarian democracy, government is by the majority, and the role minorities is to oppose. The danger is that many minorities in plural societies may be permanently excluded, discriminated against and marginalised-since this would not affect the electoral prospects majority-based political parties. That can lead to violence, the case several democracies.

**Keywords:** Marginalised, Ethnic, Democracy, Legitimacy, Colonised, Extrajudicial, Arbitrary, Embodied, Minorities Coalition, Litigation, Accumulation

## Introduction

It is hardly disputed today that democracy is the only regime that upholds all categories of human rights. However, democracy, by It self, is insufficient; the democratic regime needs to enact legislations and announce policies to enable the availing of human rights by the people.

1. Holding free and fair elections contributes to fulfillment of right to political participation.
2. Allowing free and independent media contributes to fulfillment of the fight to freedom o-f expression, thought and conscience.
3. Separating power among branches of government helps protect citizens from abuses of their civil and political rights;
4. Encouraging an open civil society contributes to fulfillment of the right to peaceful assembly and association. An open civil society adds an important participatory dimension, along with the separation of powers, for the promotion of rights.

In the liberal democratic model all individuals are autonomous displaying public loyalty to the State, while their various private loyalties-religious, ethnic or regional are ignored. This puts the emphasis on majority's right to decide. And when collectives of unequal size live together in a democracy and do not have identical or crosscutting interests, conflicts become likely.

Majoritarian democracies have frequently been undermined by the minority's fear of repression. In 1947, the South Asian subcontinent split into two nations in part because the Muslims of India felt that westminster-style majoritarian democracy would mean rule by the overwhelming Hindu majority. These fears echoed those of Catholics in Northern Ireland, who lived under a Protestant-elected government from 1921 to 1972. Both situations led to widespread violence.

Now consider an inclusive democracy built on the principle that political power is dispersed and shared in a variety of ways-to protect minorities and to ensure participation and free speech for all citizens.Inclusive democracy emphasises the quality of representation by striving for consensus and inclusion, not the brute electoral force of the majority. Inclusive democracy also appreciates the need to promote civil society organisations open media, rights oriented economic policy and separation of powers. It thus creates mechanisms for the accountability of the majority to the minorities.

Holding free elections to ensure participation and Non-Discrimination means when individuals are acknowledged as an important part of a system they tend to take responsibility for it and make efforts to maintain and improve it. Voting is the opportunity to choose the government, and faith in the process of electing representatives confers



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legitimacy on the institutions of government. This basic right of participation, along with related rights, has been extended recently in the once colonised or satellite regimes of Africa, Europe and Asia.

There are other stirring developments. In the Islamic Republic of Iran, the February 2000 parliamentary elections-a democratic path to revolutionary change-is an example of people's power contributing to systemic structural changes.

Independent media-For Freedom of Expression refers to the freedom of individuals to openly debate and criticise policies and institutions guard against abuses of human rights.Openness of the media not only advance civil and political liberties-it often contributes to economic and social rights.

## This Separation of Powers

For the rule of law the State is omni present in any discussion of human rights, as culprit a protector, as judge, jury and defendant. It often has to be ready to act against itself-if, say, extrajudicial killing or torture is carried out by its police. A democratic State can fulfill its human rights obligations only if it ensures the rule of law. The institutions that curb the arbitrary exercise of power are a democratically elected legislature, an independent judiciary and an executive that can retain a reasonable professional independence in implementing laws and policies. These key elements of democratic governance are embodied in the separation of powers. And their existence enhances the accountability of the State.

How and why some democracies harm human rights many democracies, nevertheless, fail to protect or human rights. Although the global transition to democratic regimes is undoubtedly progress, problems of human rights are not resolved simply because and electoral system has replaced an authoritarian regime. The transition to a new order involves complex issues of human rights. In extreme cases of illiberal majoritarian democracy, the human rights of several groups have worsened. In other cases, the world community has been too tolerant of human rights abuse under democracies.

Countries in the transition to democracy generally face four challenges in promoting human rights.

1. A critical challenges is to integrated minorities and address horizontal inequality between ethnic groups or geographic regions. Perhaps the most persistent weakness of majoritarian democracies is discrimination against minorities and worsening of horizontal inequalities.
2. A second key weakness is the arbitrary exercise of power. Elected governments frequently lose legitimacy and popular support when they behave in an authoritarian manner, when elite groups act as if they are above the law or when elected representatives arbitrarily remove judges, civil servants and others, faith in democratic institutions weakens.
3. A third weakness is neglecting the economic dimension of human rights. Many democracies fail to address the economic and social rights of significant groups, typically because the neglect

does not hurt the electoral outcome for those in power.

4. Finally, failing to deal adequately with the legacy of an authoritarian past can lead to the recurrence of violence and the reversal of democratic rule.

In each case human rights are seriously affected.Minorities are punished.Children remain uneducated and hungry. Journalists are intimidated, judges threatened, political opponents tortured and human rights activists eliminated.These violations continue under many elected governments.

Concern with the incorporating human rights into Economic policies process of economic policy-making for human development should honour the rights of participation and freedom of expression. These rights imply that economic policy formulation must be open and transparent, allowing debate on the options and conferring the authority for the final decision on elected representatives.

Economic policies have large effects on the rights of people. Those hurt by decisions have the right to know-and to participate in debate and discussion. That does not mean that they have veto power, since many economic policies can hurt a few people justifiably, on grounds of efficiency in resource allocation, reduction of horizontal inequality or, indeed, improvements in human development. But those adversely affected must be heard and, if appropriate, compensated.

Many human rights are subject to progressive realisation rights oriented economic policy making would force a national debated on choices and on the priority given to fulfilling some rights before others. For example, the citizens of a poor country may find that the government can meet its obligations to fulfill the right to basic education more easily than the right of each individual to housing.

Difficult choices are inherent in economic decision making involving complex-trade-offs due to scarce resources. Incorporating human rights economic policy making does not make these constraints vanish. But it honours certain rights in due process. It also recognises that choices must produce outcomes that reflect the claims that individuals have to levels of human development and honour the economic dimension of their human rights.

Implementation will require a committed coalition of the media, people's movements and civil society organisations, including professional bodies of lawyers and human rights advocates. Such reforms are possible only with the active involvement of democratic political parties.

Other reforms accompanying these four, such as decentralization, would deepen democracy by extending participation. Decentralisation on its own may not further rights-but when allied to these four pillars of form, it can strengthen democratic governance.

1. An independent judiciary is the pillar in a system of checks and balances against arbitrary power. Judicial appointments training and the court system have to curb executive authority-not succumb to it. Direct recourse of people's movements and civil society organisations to the

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judicial system, through public interest litigation, also helps protect rights.

2. There are two dimensions to police reform. The police have to be protected from arbitrary orders from the political system. And the people have to be protected from rights abuses inflicted by the police. This requires monitoring of police actions and other measures to promote human rights norms in the police force.
3. Ensuring non-discrimination against women in politics requires various interventions, including quotas-for the national parliament and at other levels of representation, particularly local.
4. Minority participation in decision-making structure should be promoted by giving authorities special weight in legislative procedures and by having opposition and minority representatives chair parliamentary committees.
5. Reducing horizontal inequalities requires economic measures. Countries need to consider what to do and what not to do. They should avoid Nationalising the private economic assets of privileged minorities, instead using targeted economic measures to promote asset accumulation and income opportunities for poor minorities.
6. The sanctity of the vote must be guarded by autonomous election commissions, international monitors and, if necessary, interim regimes for the sole purpose to transferring power from one elected regime to another.
7. Political parties must be internally democratic. Party leaders should be elected and replaced through open, competitive processes. Political parties should adopt codes of conduct for internal democracy and or tolerant behaviour during the electoral process.
8. Countries that have already suffered a return to military government-or fear the resurgence of authoritarian forces-might well consider the utility of a truth and reconciliation commission to create an environment conducive to democracy and respect for human rights.
9. Governments should create the political space, and encourage partnerships, for monitoring and promoting human rights. Ultimately, governments and the people benefit when the media are open and civil society institutions free-conditions conducive to partnerships for creating norms and accountability for human rights.
10. Pro-poor human development policies-and a reasonable distribution of the resources from

economic growth-are vital companions to legal and institutional advances in human rights. The process of economic policy making has to respect rights of participation and expression. And the content of pro-poor economic policies has to be aimed at increasing resources and targeting programmes to the vulnerable.

## Aim of the Study

The value of freedom, respect for human rights and the principle of holding periodic and genuine elections by universal suffrage are essential elements of democracy. In turn, democracy provides the natural environment for the protection and effective realization of human rights. These values are embodied in the 'Universal declaration of "Human Rights"and further developed in the International covenant on civil and political rights which enshrines a host of political rights and civil liberties underpinning meaningful democracies.

## Conclusion

Democracy, as noted earlier, is not homogeneous. Developing a framework of Institutions that fit a country's structure and circumstances require measures that celebrate diversity. Happily, nation so longer face the choice between authoritarianism and democracy. Their challenge for the 21<sup>st</sup> century is to deepen and enrich fragile democracies.

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