Comparative study- Direct democracy in Switzerland and indirect democracy in India

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ABSTRACT

A democratic system gives people the ability to participate in the decision making (directly or indirectly) and that too without any pressure or influence. There have been different perspectives for the evolution of Democracy. One of them which is well known was that democracy came into existence after the cold war between USSR and America. The widest differentiation that intellectuals make between democracies is based on the nature of the representative government. The two main types of democracies are Direct Democracy and Indirect Democracy. Direct democracy means all legislative power lies in the hands of people. This kind of Government although sounds like an ideal form of government but is very difficult to implement especially in a country with a huge population. Indirect democracy has a bit different arrangement, in this democracy through the electoral process, one person or a group of people are elected and assigned the task of lawmaking decisions on behalf of the people who have chosen that person or group of people. Therefore, we can see that there are similarities between the two different systems of democracy but when we examine both of them closely, it can be easily marked that they are very different from each other. Direct democracy gives full power to its people whereas in an indirect democracy people have the right to choose their representative but can't interfere in the lawmaking the process as the representative's work on law-making on behalf of people. Thus, both the democracies have their own positive and negative effects and there are certain conditions under which they can be implemented.

Keywords— Rule by people, Direct and Indirect democracy, Evolution of democracy, Prevalence of democracy

1. INTRODUCTION

It is an accepted notion that "Democracy" in one of the most populous political systems existing in today's world where the State is governed by the decision of public and not bureaucrats or some officials. A democratic system gives people the ability to participate in the decision making (directly or indirectly) and that too without any pressure or influence.[1] The existence of democracy depends upon the nature of the Constitution, and it ensures that democracy has a set of rules in order to avoid arbitrary use of power.

The evolution of Democracy has altogether a different story as there are different perspectives about the actual origin and evolution of Democracy. One of the views states that in 1989, an International relations scholar Francis Fukuyama had published an academic paper "the End of History" which caused a huge commotion in the International Relations population. The paper was written during the period when the cold war between America and USSR was about to end and it was clearly evident that America had won the cold war between the two countries. Fukuyama had further argued that with the defeat of communism, there was no force present anymore to challenge the liberal democracy in the world and subsequently there would be no need of evolution of Democracy. According to this view, democracy had won its battle of supremacy and was bragging their rights universally after the end of Cold War. [2] Therefore, Democracy is found to be the ultimate type of governance throughout the world.

The others were of the opinion that advancement of Democracy as governance has been gradual and not sudden. It was stated that Democracy found its origin in Rome. Earlier Rome used to be ruled by a representative government where all the citizens voted for their representatives collectively, and the person with the majority ruled or governed among their people. After Rome, Athens established a trend of Direct Democracy in 508BC TO 404BC. The same procedures of voting were followed in Athens as they were followed in Rome. The era of Feudalism was bound by feudal loyalties wherein peasants owed their loyalty to a Lord, who in turn owed their adherence to a higher Lord or King. This led to limiting the powers of King as he had to depend on the Feudals to exercise his powers. Then, finally, the Magna Carta was introduced in the year 1215. The King of England was forced to sign the "Great Charter" resulting in limiting his monarchial power as all the power was handed over to the people of England and the King was no more sovereign. [3] Instead the King had to consult his nobles before implementing taxes and going to wars.

The Parliament in England became active in 1295 and the King had powers to summon nobles, knights, bishops and two citizens from each town in England. This recognized a precedent for electing representatives to form Parliament, the legislature that made

laws in England. Thus, a whole new system of Legislation was introduced. One of the important people of those times was Louis XIV (1661-1715) and he was known as he had established an absolute monarchy and had control over all aspects of government. But, his absolute monarchy could not stand long and led to Glorious Revolution which brought in a limited version of the monarchy in England. This monarchy had limited powers, restricted by the laws and traditions of Parliament. Finally, in 1789 the US Constitution initiated a representative democracy where the citizens voted for their representatives to make laws and further the representatives chose a President to execute their laws. [4]

The widest differentiation that intellectuals make between democracies is based on the nature of the representative government. On the basis of the representation, the democracies are divided into two categories:

- Direct Democracy: In this Democracy, all power lies in the hands of the individual. People are the whole and sole sovereign. When political decisions must be made, all members of a polity gather together and individuals cast a vote. This kind of Government although sounds like an ideal form of government but is very difficult to implement especially in a country with a huge population. Thus, this kind of democracy gives equal opportunities to each and every citizen, as everyone has an equal amount of influence over the policy making of the nation. For example, in a country like America, numerous legislations are implemented, amended and repealed on a daily basis. [5] Thus, applying direct democracy framework in that kind of political atmosphere would be impossible.
- Indirect Democracy: This political arrangement has come up with a new means which has an intermediary political factor between the individual and the policy outputs of the state. Through the electoral process, one person or a group of people are elected and assigned the task of lawmaking decisions on behalf of the people who have chosen that person or group of people. If the citizens are content with the services of the particular party in the rule, then there is a possibility that they might get re-elected.

The basic aim of this research is based on the comparison of the Direct Democracy of Switzerland and Indirect Democracy of India which is essential because only by making comparisons we can distinguish ourselves from others and discover who we are in order to become all that we are meant to be. Thus, it does not matter whether the State has direct or representative democracy; it still gives people equal opportunities and makes the system fair for everybody.

2. DIRECT DEMOCRACY IN SWITZERLAND
Switzerland is a minute country located in the heart of Western Europe, at the intersection of German, French and Italian language and culture. Therefore, Switzerland has always been a diversified country in terms of culture for centuries. Direct Democracy, in particular, has a long but not undisputed tradition in this country. Switzerland's Direct Democracy is not the result of pure tradition and harmonic development.

When modern Switzerland was founded in 1848 after a brief civil war between Protestant and Catholic cantons, the Federal Constitution knew neither the popular initiative nor the referendum. The invention of modern direct democracy, i.e. the right of citizens to participate in the political decision-making process and to have the final say, dates back to the French Revolution: here, after the deposition of the king in 1792, the Enlightenment philosopher and revolutionary Marquis de Condorcet was elected Rapporteur of a national constitutional convention. [6] There he enshrined not only the 'controlling' mandatory constitutional referendum but also the 'progressive' citizens' right of initiative.

It has been evident that the basics of the government like decentralization of power and unique instrument of Direct Democracy like Referendum and popular initiative have been recognized through hard political struggle, including a violent Revolution in 1798, decades of rioting (1830's and 1840's for aggressive overthrow of government in Switzerland) which culminated in a short civil war in 1847. But even after all these civil wars; Switzerland's unique political system is the world's most stable democratic system, offering a maximum of participation to citizens. [7]

2.1 Basic Facts & Features of Switzerland's Direct Democracy
The Swiss Constitution is quite brief and defines all areas subject to federal legislation concisely. If something is not explicitly mentioned, is left to the legislation of the cantons, thus it is essential to update the constitution from time to time to take an account of the changes in society and technology that demand for a uniform solution that is applicable throughout the country. The Swiss constitution may be changed only if an overall majority of the electorate agrees in a referendum and if the electorate of a majority of the cantons agrees, too. The latter is sometimes just a little more difficult because it means that the rather conservative electorate of smaller rural cantons must be convinced as well. [8]

Two features of Direct Democracy grant an unusually detailed level of participation to ordinary citizens. Switzerland is a Confederation of 26 cantons. The cantons [member states of the federation] do enjoy quite some autonomy. Governments, parliaments, and courts on 3 levels:
- Federal
- Cantonal
- Communal
- Small villages have reunions of all citizens instead of parliaments, local courts are common to several communities

Direct Democracy is the key to Switzerland's famous political stability and thus all the laws framed in Switzerland are described in about three to four step process:
a. At first, the draft is prepared by experts in the central administration for framing ant new legislation.

b. After the draft is prepared, it is presented to a large number of people in a formalized kind of opinion poll inclusive of Cantonal governments, political parties, as well as many non-governmental organizations and associations of the civil society, may discuss and comment on the draft prepared and suggest some changes if any.

c. The result is presented to dedicated parliamentary commissions of both chambers of the federal parliament, discussed in detail behind closed doors and finally debated in public sessions of both chambers of parliament. Members of Parliament to take into account the results of step 2 because if they fail to do so, step 4 will be inevitable.

d. The electorate has a veto-right on laws: If anybody is able to find 50,000 citizens signing a form demanding for a referendum within 3 months, a referendum must be held. Laws do only need to find a majority of the national electorate to pass a referendum, not a majority of cantons. Referendums on more than a dozen laws per year are not unusual in Switzerland. [9]

The rules for referendums on the cantonal and communal level are similar as stated above. While referendums concerning budgets are possible on the federal level, hence they are common on a communal level. Frequent referendums on minor changes to the federal/cantonal constitutions, new or changed laws, budgets etc are bifurcated as-

- Referendums on constitutional changes are mandatory
- Referendums on laws are "facultative" (only if 50,000 citizens, i.e. roughly 1.2% of the electorate, demand for it)

It may be possible that 100,000 citizens (roughly 2.5% of the electorate) demand for a change of the constitution by signing a form. The Federal Parliament has to compulsorily discuss the initiative brought about by the citizens. The initiative can be recommended, rejected or an alternative might be proposed by the federal parliament. Whatever, they choose will be finally decided through a referendum to accept the initiative of the public.

Every government has its own set of pros and cons. Even Direct Democracy has certain advantages as well as limitations too. The advantages of the Direct Democracy are as follows:

1) Full government transparency- There is no doubt that this form democracy ensures a greater degree of openness and transparency between the people and their government. All the discussions, arguments and debates are held in public.

2) Government Accountability- In this kind of Democracy, the government's accountability level is high and government cannot give any lame excuse that they were not aware or were unclear about the will of the people.

3) Greater Citizen Cooperation- People are more likely to happily comply with the laws as they are made with their consent and not imposed on them. Moreover, people with different views can have their own separate stand in the processes of Government. [10]

The cons of Direct Democracy are as follows:

1) The indecisiveness of the Government- If there is a huge population, then it would be impossible for the government to come to a proper conclusion as people would be having dissenting opinions and it would take a lot of time to convince and bring everyone on the same platform to implement the law or provision.

2) Public Involvement would drop- Direct Democracy can work when everyone comes together and takes part in the discussions if the time of debates increases then people would lose interest and the laws executed will not reflect the actual will of the majority.

3) Repeated Tense Situations- If any country is as large as India, then it would be next to impossible to have direct democracy; as every day there is some problem and a referendum would be drafted and consulting the citizens which would make it chaotic rather than the passing of the referendum.[11]

3. INDIRECT DEMOCRACY IN INDIA

Democracy is a form of government which is of the people, by the people and for the people, the basic concept of Democracy is that people willingly choose their representative and want to be governed by those representatives only. Democracy guarantees certain rights and freedoms for individuals and its citizens called "Fundamental Rights". India is a country with the world's second largest population and thus to have a Direct Democracy in a nation like India would be foolish. This is why India requires universal franchise and has to elect their representatives at regular intervals. These representatives legislate and form the responsible government. [12] The Election Commission of India conducts the elections in India.

The Government consists of people's representatives elected as the members of Parliament and such elected members choose the Prime Minister. Similarly, the same functioning goes in each state and instead of Prime Minister, Chief Minister is chosen by the State Legislature. In India, the President is elected through the Electoral College system, on the basis of representation. The Governors of States are allotted by the President himself.

India has a lot of experiments when it comes on the working of Democracy such as the successful workings of coalition governments, the unpredictability of voter behavior and the importance of an autonomous and responsive electoral commission etc. [13]

The history of Representative Democracy can be seen as the government formed when democratization took the path of representation. Making people understand and accept Representative Democracy is the major role of the leader. Many philosophers, politicians, and leaders have made a significant contribution to the evolution and development of Representative Democracy. In the 16th Century, revolutions gave rise to electoral systems in European countries like England, France, and Italy. Further, in the year, 1950s representative democracy was applied in Europe. According to the events of indirect democracy in the 20th and 21st century, Australia is considered one of the biggest representative democracies. [14]

The basic characteristics of Indirect Democracy can be described in the following points:

1) Universal Participation- In the case of representative democracy, there is although the indirect participation of the citizens there is universal participation as 'people's view' is fundamental to carry out Democracy.
2) Political Competition and choice- There is political equality given to each party whosoever wants to be the representative of the public. Thus, there is healthy political competition among the contesting parties and even people have multiple choices to choose the best of them.
3) Political Accountability- After the elections are conducted and a party is elected through the majority, then the elected party is accountable an answerable to the people and can't take any decision arbitrarily.
4) Rule of Law- Representative Democracy's one of the primary features is Rule of Law, as it works on the principle of 'equal protection of the law' and 'equality before the law'. There is no indirect democracy possible without rule of law as it gives equal rights to each and every citizen.
5) Majority Rule- Indirect democracy mainly works on the will of the majority. Whenever there are elections conducted at the party with maximum votes wins the majority and also wins the confidence of the people. Thus, majority rules the government in case of indirect democracy.
6) Transparency in Government- It is accepted that when elections are conducted by Election Commission in India and thus the representative chosen would be responsible for the election of the Prime Minister. Therefore, there will be transparency in the working of the government.[15]

3.1 Why Direct Democracy can't be applied in India?
There are certain reasons carved out which state that direct democracy is just not possible in India as there is enormous population, illiteracy among the people and lack of awareness and people are ignorant about the laws that are implemented.

- One of the reasons is "Public Initiative". It is a device by which people initiate laws to be made. But when it comes to India, people will never come for a common consensus as they have their own personal or regional interests. Thus, it may lead to the compromise of the national interest.
- Another reason might be "Recall" wherein the elected representatives can be called back if the public wishes so. Suppose there is a party who has won the elections with the majority, but the other regional parties come together and form a coalition party. So the majority party can be called as the opponent (coalition part) is now the majority.
- The referendum is a device by which law made by government is referred to the people for their approval and in India, people have lack of knowledge especially when it comes to political awareness, thus referendum might not be feasible in a country like India.

Therefore, Direct Democracy is possible in countries like Switzerland and Athens where the population rate is low as well as people are aware of their rights, law, and politics and thus they are rational enough to make decisions for their nation. [16]

There are pros and cons to Representative Democracy. The advantages of Indirect Democracy are as follows:

1) It allows the government to act based on what the majority wants, instead of the government dictating what is best for its people, a representative democracy allows for the people to dictate what is best for the nation as a whole.
2) It gives each and every individual an opportunity to present their say. Even if their vote is in minority instead of a majority, they are still capable of making their stand heard.
3) A representative democracy places checks and balances of each of its branch by the other two branches to ensure that no branch has excessive power than the other branch and there is no arbitrary use of power.

The limitations or disadvantages of the Representative Democracy are as follows:

1) There can be a lot of egoistic issues as it is not possible that all the elected officials are of the same group, instead, there is always some or the other fight going on between the different political groups.
2) Suppose if a party has a two-thirds majority of elected officials of the same political group, then it might lead to a dictatorship of that particular group over the minority.
3) The most common limitation is that people vote their representative thinking that he will act according to the will of the people, but this might not be always true as the representative might act according to his own will also.

The pros and cons of representative democracy show a system of government that strives to be fair to all, although it is not possible to be fair to all this is the most appropriate system of government applicable all over the world. [17]

4. COMPARATIVE STUDY OF TWO KINDS OF DEMOCRACIES

- Similarities between direct and indirect democracy

It is accepted that Democracy is a form of government where people get to express their views and opinions and the legislature is formed on the basis of the opinion of the people in both kinds of Democracies. People are sovereign in Direct as well as Indirect Democracy. Initiatives, petitions, public consultations etc happen all the time within representative democracies in order for the government to represent the people e.g. following 'let's talk Newcastle' the council decided the budget, not the people they simply kept in mind what was said during the consultations. Pressure groups etc who use direct democracy to put forward their views are an integral part of representative democracy - e.g. many of the Conservative's economic policies are guided by the BBA but they work very much as a representative democracy. [18]

- Differences between direct and indirect democracy

In a direct democracy, people make decisions through a referendum, instead of the appointed bodies in a representative democracy. Government is held liable in case of indirect democracy whereas in direct democracy people and government both are

liable. Direct democracy is majoritarian - working on the will of the majority - the risk of tyranny of the majority e.g. California 2008 initiative to ban civil partnerships - discriminatory. Representative democracy mediates between different groups representing them all thusly avoiding this. Parliament is sovereign whereas indirect it is subservient to the people if it likes it or not - it's power is greatly weakened by direct democracy e.g. Bill of Rights taken out of Queen's Speech - delayed possibly for up to a year - due to the opposition in part from Liberty campaign and petitions. [19] The representative democracy works rationally whereas direct works mainly on the emotions of the people who vote for the decision.

Therefore, we can see that there are similarities between the 2 different systems of democracy but when we examine both of them closely, it can be easily marked that they are very different from each other. Direct democracy is considered to be the purest form of democracy but it can lead to partiality and gives immense power to people which can lead to huge mistakes. Indirect democracy may lead to wrong representation also and the elected representatives might not necessarily work according to the will of the people.

5. WHICH DEMOCRACY IS PREVALENT AND PRACTICAL IN PRESENT DAY SITUATION?

The above comparison clearly states both democracies have their own perks and limitations also. As they give excessive powers to the people. But it has been commonly accepted that Representative Democracy is more prevalent in today's world as it is far better suited in dealing a large electorate. In a country like India or the USA, the population is huge and it is just not possible to implement direct democracy in such countries. People are unaware of the political complexities and thus they won't be competent enough to give their perspective as well as vote to the correct person. Representative democracy gives each and every person to have his /her own say and stand by it whereas in case of direct democracy the national interest of the country is sidelined as preference is given to each and every individual of the nation. The representative democracy is better when compared to this situation.

If all the points are taken into consideration, it would be pretty much clear that indirect democracy can be easily applicable in all the states whereas direct democracy can't be applied in all the states. Representative democracy reduces a lot of work as the elected government does the work of framing the laws for a specific period of time but in case of direct democracy, the legislation works according to the will of the people and cannot oppose the people at any cost even if it is arbitrary. [20]

6. CONCLUSION

Democracy is one of the best political systems as it literally means, "rule by people". Democracy can be divided into two types i.e. Direct Democracy and Indirect Democracy. Direct means that masses have direct control over the governance of the country. This kind of democracy can be applied where there is a small group of people and it can lead to good results but not in a place with a huge population. In this kind of democracy, the people come together and discuss and deliberate over the issues of the country and give decisions through a consensus.

Representative democracy was an idea which came into existence in the 19th century when voting was first extended to people. it also gives the same idea that government rests on the consent of the people but through a different means and procedure. The Parliament consists of the members who are elected by the people and they are responsible for making laws they don't have to come back again to the people and discuss their policies. Thus, indirect democracy is much prevalent and preferable in today's world and there are many countries like the USA, India etc. practicing indirect democracy in a very satisfactory manner whereas there are few countries which have a direct democracy like in Switzerland. Although direct democracy is very efficiently working in Switzerland, it is a well-known fact that it can't be implemented in nations with big populations.

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