

355/12/12/13

**Name:** Deepa Kansra  
**Supervisor:** Prof. (Dr.) Manjula Batra  
Dean, Faculty of Law, JMI.

**CONTEMPORARY DEMOCRATIC THEORY:  
A Critique of the Status of Rights, Governance and constitutionalism**

**Abstract**

Current scholarship refers to democracy as the most influential feature of modern political thought. It is spoken as an accepted truth that the political force of democracy is inevitably linked to the desire of finding a solution to human miseries, and therefore must be established as a right of every society. In contrast to its growing popularity, democracy has also been closely looked at with suspicion by experts/skeptics from diverse disciplines. The skeptics sense reluctance on the part of the leaders, politicians, experts, and theorists to define democracy in terms of what happens in a democracy. To the skeptics, since democracy is capable of being attached with divergent opinions and practices, it is pertinent to ascertain 'why democracy', and more importantly 'what is democracy'? Is there a consensus as to what is democracy? It is possible to confine democracy as a fixed ideal or practice? Can there be an entitlement/right to democracy?

The objective of contemporary democratic theory is thus to ease the tension between the supporters and the skeptics of democracy. The need for research arises because with the evolution of democracy there have emerged several challenges and 'multiple sites of governance' having great implications for the state, law and the society. In the context of the democracy in India, its dynamism and responsiveness has created new processes, rights and several dilemmas for practitioners and scholars. The social and political conditions have created the need for a realistic narrative of the nature, growth and

impact of democracy in India. In that context, the aim of the research study is to (a) define democracy as a constitutional norm and an institutional mandate (b) identify the functional dimensions of democracy in India in the context of rights, reforms and good governance (c) highlight the inherent relationship/interdependence between democracy, constitutional law, and international law (d) recreate the necessity of theorizing and deliberating on the fundamental aspects of democracy in India, including democracy as part of the basic structure, right to vote, judicial governance, and institutional compatibility (e) identify the challenges faced by the Indian democracy in light of growing concerns over inequality, state violence, and liberalization (f) suggest viable options for controlling the damage to democracy, rights and the rule of law in the age of globalization.

Contemporary democratic theory encompasses the diversity of meanings emerging from the scholarship dealing with the values of democracy. In this regard, the exploration of critical issues with the aid of contemporary democratic theory allows for a functional appraisal of the constitutional and institutional dilemmas that have emerged in the context of democracy in India.